

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Akaniyene William Etuk,

Plaintiff,

v.

New York City Police Department, Abdoulaye Bah (Shield #28798), Muhammad Molla (Shield #25554), Lt. David Pabon, Peter Esposito (Current Shield #16602, Former Shield #17015), Ely Gonzalez (Shield #25463), Ana Garcia (Shield #15672), Melba Cespedes (Shield #08053), Christian Cacace (Shield #31615), and Anajess Alvarez (Current Shield #17015, Former Shield #31615),

Defendants.

Case No.:1-24-cv-4989

AMENDED COMPLAINT

Introduction

This is a civil rights action brought by Plaintiff, Akaniyene William Etuk, against officers of the New York City Police Department (NYPD) for violations of Plaintiff's constitutional rights, including the right to travel, the right to privacy, protection against unreasonable searches and seizures, and violations of the Americans with Disabilities Act (ADA).

Jurisdiction and Venue

This Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. § 1983 (civil action for deprivation of rights).

Venue is proper in the Southern District of New York under 28 U.S.C. § 1391(b)

because the events giving rise to this claim occurred in this district.

Parties

Plaintiff, Akaniyene William Etuk, is a resident of State Island New York.

Defendant, New York City Police Department, is a municipal agency located at 1 Police Plaza, New York, NY 10038.

The following Defendants are NYPD officers:

Abdoulaye Bah (Shield #28798)

Address: NYPD Transit Bureau District 11

161 Street Station & River Avenue, Bronx, NY 10451

Muhammad Molla (Shield #25554)

Address: NYPD Transit Bureau District 11

161 Street Station & River Avenue, Bronx, NY 10451

Lt. David Pabon

Address: NYPD Transit Bureau District 11

161 Street Station & River Avenue, Bronx, NY 10451

Peter Esposito (Current Shield #16602, Former Shield #17015)

Address: NYPD Patrol Borough Bronx

450 Cross Bronx Expressway, Bronx, NY 10457

Ely Gonzalez (Shield #25463)

Address: NYPD 46 th Precinct

2120 Ryer Avenue, Bronx, NY 10457

Ana Garcia (Shield #15672)

Address: NYPD Quartermaster Section

50-16 59th Place, Woodside, NY 11377

Melba Cespedes (Shield #08053)

Address: NYPD Headquarters Security

1 Police Plaza, New York, NY 10038

Christian Cacace (Shield #31615)

Address: NYPD Transit Bureau District 11

161 Street Station & River Avenue, Bronx, NY 10451

Anajess Alvarez (Current Shield #17015, Former Shield #31615)

Address: NYPD Human Resources Division

1 Police Plaza, New York, NY 10038

Facts

On March 9, 2024, Plaintiff was traveling on a train in the Bronx, New York.

Plaintiff, accompanied by a registered service animal, was stopped by NYPD officers at the 161 Street Station & River Avenue, Bronx, NY 10451, without Plaintiff's permission or contractual basis.

NYPD officers forced Plaintiff to identify himself, violating his right to privacy.

NYPD officers made legal determinations without possessing a license to practice law.

The officers did not show identification, failing to verify themselves as legitimate police officers.

The officers approached Plaintiff with firearms, forcing him under duress to engage with them.

A summons (Docket #2023SX005516, Summon #4446495504) was issued to Plaintiff without lawful authority.

The officers used physical force, causing pain to Plaintiff and his service animal which was choke with a rod and robe, without lawful justification.

Plaintiff and his service animal were transported to a different location, where he was injected with a substance without consent.

There is no evidence that these officers did not threaten Plaintiff and hold him at gunpoint to traffic him and his service animal without permission.

There is no evidence that these officers were legitimate police officers or that they signed an oath to "We the People."

Claims for Relief

Count I: Violation of the Right to Travel

Defendants violated Plaintiff's right to travel freely within the United States.

Count II: Violation of the Right to Privacy

Defendants' actions in forcing Plaintiff to identify himself violated his right to privacy.

Count III: Excessive Force

Defendants' use of physical force against Plaintiff and his service animal constituted excessive force in violation of the Fourth Amendment.

Count IV: False Imprisonment

Defendants' detention of Plaintiff and his service animal constituted false imprisonment.

Count V: Violation of the Americans with Disabilities Act (ADA)

Defendants' arrest of Plaintiff and his service animal constituted discrimination under the ADA.

Count VI: Due Process Violations

Defendants deprived Plaintiff of liberty and property without due process of law.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests:

- A. \$1,000,000 for each violation of Plaintiff's constitutional rights;
- B. \$1,000,000 for the violation of Plaintiff's service animal's rights under the ADA;
- C. Punitive damages to be determined at trial;
- D. Declaratory relief stating Defendants' actions were unconstitutional;
- E. Injunctive relief preventing similar conduct in the future;
- F. Attorney's fees and costs;
- G. Any other relief deemed just and proper.

Judge Trial

Plaintiff demands a trial by judge on all issues so triable.

Dated: 01/02/25

Respectfully submitted,

Akaniyene William Etuk

Plaintiff, Pro Se

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